



February 28, 2008

House Great Lakes and Environmental Affairs Committee
Lansing, Michigan

Dear Representatives:

On behalf of the Michigan Environmental Council we would like to thank you for the effort the committee and its staff has put into the issue of water use regulation in Michigan. The Michigan Environmental Council has been working in concert with the Great Lakes, Great Michigan Coalition in this effort. Ratification of the Great Lakes Compact will be the first step in providing the protection necessary to safeguard our fresh water resources for years to come. We also have a golden opportunity to show leadership throughout the basin through well designed implementing language.

The proposed implementing language before the committee we believe provides the protection that is needed to ensure long term protection for our water resources. Specifically, we support the House addressing the following concerns:

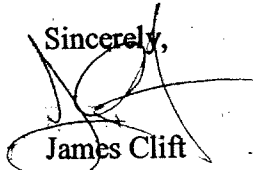
- 1) State oversight –The scientists have designed a tool and process that will allow us to identify withdrawals due to their size and location posed the greatest risk to our resources. Ignoring that ability in a permitting program places current users and resources at risk. A permitting program in zone C at 1 million gallons a day or an individual user proposing to use more than 50% of Zone C available flow strikes a fair balance between current users, protecting natural resources and providing opportunities for economic development. .
- 2) Protection of cold water streams and small rivers – Michigan cold water rivers and streams provide the backbone of what many believe is “Pure Michigan”. These unique resources are found in Michigan in greater numbers than anywhere in the country. This one fact attracts tourist from around the country and around the world. Michigan residents have made investment in thousands of small businesses that rely on this tourism to provide their livelihood. Allowing virtually automatic approval of up to 25% of stream flow to be removed in these ecosystems is a slap in the face of those small businesses and Michigan residents who have chosen to live and work in Michigan due to the recreational opportunities afforded by these world class resources.



- 3) Public trust – The legislature when it first passed water use legislation in February of 2006 included a provision which directed the state to act as trustee for Michigan's water resources. It defined those "public trust" resources as all the waters of the state. The court has tried to limit this interpretation. We support language that requires the department to conform to the intent language placed into the legislation in 2006.
- 4) Protection of the capacity of current users – Under the bill we have attempted to protect the current water users in Michigan by "grandfathering" their capacity when it comes to causing adverse resource impacts. This bill ensures those protections are real by requiring the department to develop a protocol in consultation with the Water Resources Conservation Council to account for that water effectuate protection by setting aside that water from future withdrawals.

Again, we appreciate the opportunity we have had to work with the committee staff on the development of this package, and will continue to do so in an effort to craft a mutually acceptable package.

Sincerely,



James Clift
Policy Director